

# State Intellectual Property Office of People's Republic of China

Add: 15/E, Bldg.B, Tsinghua Tongfang Hi-Tech Plaza, No.1, Wangzhuang Rd.,  
Haidian District, Beijing, P. R. China, Postal Code:100083

Applicant(s)	Matsushita Electric Industrial Co., Ltd.	Issuing Date: December 10, 2004
Patent Agent(s)	Huimin WANG	
Application No.	03147542.6	
Title of Invention	基板的镀膜方法及镀膜装置	

## THE FIRST OFFICE ACTION

1. ☒ The applicant filed a request for substantive examination on \_\_\_\_\_ (day/month/year). The examiner has carried out substantive examination on the above mentioned application for an invention patent in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to carry out substantive examination on the above mentioned application for an invention patent in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:
- the filing date 2002.7.25 in the Japan Patent Office as the priority date,
- the filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date,
- the filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date,
- the filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date,
- the filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date.
- ☒ The applicant has provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed.
- ☐ The applicant has not provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed and the priority claim(s) is/are deemed not to have been made in accordance with the provisions of Article 30 of the Chinese Patent Law.
3. ☐ The applicant submitted amendment (s) to the application on \_\_\_\_\_ and on \_\_\_\_\_, wherein, the amendment(s) submitted on \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_ are unacceptable, because said amendment(s) is/are not in conformity with
- ☐ the provisions of Article 33 of the Chinese Patent Law;
- ☐ the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable are described in the text of this Office Action.
4. ☒ The examination was carried out based on the application documents originally filed.
- ☐ The examination was carried out based on the application documents indicated below:
- ☐ Description:
- Pages \_\_\_\_\_ of original application documents filed on the application date,
- Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;
- Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;

☐ Claims:

Pages \_\_\_\_\_ of original application documents filed on the application date,

Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;

Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;

☐ Drawings:

Pages \_\_\_\_\_ of original application documents filed on the application date,

Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;

Pages \_\_\_\_\_ filed on; Pages \_\_\_\_\_ filed on;

☐ Abstract: ☐ Filed on the application date; ☐ filed on \_\_\_\_\_

☐ Drawing selected for publication on the front page of the application: ☐ Filed on the application date; ☐ filed on \_\_\_\_\_

5. ☐ This Notification is issued without a search having been conducted.

☒ This Notification is issued with a search having been conducted.

☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document( Number or Title)	Publication Date (or Filing date of interference patent applications)
1	JP[2002129385 A	09day 05 month 2002 year
2		day month year
3		day month year
4		day month year

6. The result of the examination is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope on which no patent rights shall be granted as provided by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim \_\_\_\_\_ falls into the scope, on which no granted patent rights shall be granted, as provided by Article 25 of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the definition of invention as prescribed by Rule 2(1) of the Implementing Regulations of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ does not possess novelty as provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 1-4,6,11 does not possess inventiveness as provided by Article 22(3) of the Chinese

Patent Law.

- ☐ Claim \_\_\_\_\_ does not possess practical applicability as provided by Article 22(4) of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.
- ☒ Claim 12,18,24 is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.

The detailed reasoning for the above opinion is described in the text of this office action.

7. On the basis of the above opinion, the examiner holds that:

- ☐ The applicant should make amendments as required in the text of this office action.
- ☒ The applicant should provide reasons for that the above mentioned patent application can be granted patent right, and make amendments to the specification as described in the text of this office action; otherwise the patent right shall not be granted.
- ☐ The patent application does not possess any substantive contents for which patent right may be granted, if the applicant fails to provide reasons or the reasons provided are not sufficient, this application will be rejected.

8. The applicant's attention is drawn to the following matters:

- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the date of receiving this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amendment shall be submitted in duplicate copies and in the format required by the relevant provisions of the Examination Guideline.
- (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. Documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
- (4) The applicant and/or his(its) agent shall not come to the Chinese Patent Office for interview with the examiner without an appointment.



9. The text of this office action consists of a total of 1 sheets, and is accompanied by the following annexes:

- ☒ A copy of the cited reference documents consisting of 1 sets and 6 sheets.
- ☐ The \_\_\_\_\_ Examination Department

The Seal of the Examiner: Xiaoda WU



# 中华人民共和国国家知识产权局

邮政编码: 100083 北京市海淀区王庄路 1 号清华同方科技大厦 B 座 15 层 中科专利商标代理有限公司 汪惠民		发文日期 
申请号: 031475426		
申请人: 松下电器产业株式会社		
发明创造名称: 基板的镀膜方法及镀膜装置		

## 第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以在:
- JP 专利局的申请日 2002 年 07 月 25 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。
- ☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 经审查, 申请人于:  
年 月 日提交的 不符合实施细则第 51 条的规定;  
年 月 日提交的 不符合专利法第 33 条的规定;  
年 月 日提交的
4. 审查针对的申请文件:  
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的
- | 申请日提交的原始申请文件的权利要求第 | 项、说明书第 | 页、附图第     | 页; |
|--------------------|--------|-----------|----|
| 年 月 日提交的权利要求第      | 项、说明书第 | 页、附图第     | 页; |
| 年 月 日提交的权利要求第      | 项、说明书第 | 页、附图第     | 页; |
| 年 月 日提交的权利要求第      | 项、说明书第 | 页、附图第     | 页; |
| 年 月 日提交的说明书摘要,     | 年 月    | 日提交的摘要附图。 |    |
5. ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
- | 编号 | 文件号或名称         | 公开日期(或抵触申请的申请日) |
|----|----------------|-----------------|
| 1  | JP2002129385 A | 2002-5-9        |
6. 审查的结论性意见:
- ☐ 关于说明书:  
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。  
☐ 说明书不符合专利法第 26 条第 3 款的规定。



☐说明书不符合专利法第 33 条的规定。

☐说明书的撰写不符合实施细则第 18 条的规定。

☐

☒关于权利要求书:

☐权利要求 不具备专利法第 22 条第 2 款规定的新颖性。

☒权利要求 1-4, 6, 11 不具备专利法第 22 条第 3 款规定的创造性。

☐权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☐权利要求 不符合专利法第 26 条第 4 款的规定。

☒权利要求 12, 18, 24 不符合专利法第 31 条第 1 款的规定。

☐权利要求 不符合专利法第 33 条的规定。

☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。

☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。

☐权利要求 不符合专利法实施细则第 20 条的规定。

☐权利要求 不符合专利法实施细则第 21 条的规定。

☐权利要求 不符合专利法实施细则第 22 条的规定。

☐权利要求 不符合专利法实施细则第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。

☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。

☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

☐

8. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 1 页, 并附有下列附件:

☒引用的对比文件的复印件共 1 份 6 页。 ☐

审查员: 吴晓达 (9531)

2004 年 1 月 19 日



审查部门 审查协作中心



## 第一次审查意见通知书正文

申请号：031475426

该申请（03147542.6）涉及一种基板的镀膜方法及镀膜装置，经审查，意见如下：

关于权利要求书：

权利要求1请求保护一种基板的镀膜方法，对比文件1（JP2002129385 A）公开了一种晶片的电镀方法，披露了如下技术特征（说明书第3—6栏及附图2、3）：在电镀过程中以较低速旋转晶片，可见权利要求1与对比文件公开的技术方案相比，二者的区别仅仅在于权利要求1中还含有通过旋转去除气泡的工序，而对比文件1公开的技术方案中通过在电镀过程中旋转晶片也同样能达到去除气泡的效果，所以对比文件1公开的技术方案给出了解决技术问题的启示，而且权利要求1采用该去除气泡的工序也并未取得预料不到的技术效果，所以相对于对比文件1公开的技术方案，权利要求1不具备突出的实质性特点和显著的进步，不符合专利法第22条第3款关于创造性的规定。

在权利要求1不具备创造性的情况下，独立权利要求1、12、18、24之间缺少相同或相应的特定技术特征，而权利要求12、18、24之间也同样缺少相同或相应的特定技术特征，不符合专利法第31条第1款关于单一性的规定，申请人应将权利要求12、18、24删去或分案，以下仅对权利要求2—11进行评述。

权利要求2、3的附加技术特征分别是对旋转速度的限定，虽然对比文件1并未限定同样的内容，但是权利要求2、3采用该速度范围也并未取得预料不到的技术效果，所以在权利要求2、3引用的权利要求1不具备创造性的情况下，权利要求2、3也同样不具备创造性，不符合专利法第22条第3款的规定。

权利要求4的附加技术特征是关于加给基板的电流密度的限定，虽然对比文件1并未限定同样的内容，但是权利要求4采用该电流密度也并未取得预料不到的技术效果，所以在权利要求4引用的权利要求1不具备创造性的情况下，权利要求4也同样不具备创造性，不符合专利法第22条第3款的规定。

权利要求6的附加技术特征是对气泡尺寸的限定，虽然对比文件1未公开相同的内容，但是权利要求6限定该尺寸的气泡也并未取得预料不到的技术效果，所以在权利要求6引用的权利要求1不具备创造性的情况下，权利要求6也同样不具备创造性，不符合专利法第22条第3款的规定。

权利要求11的附加技术特征是关于浸润基板的工序，而对比文件1公开的技术方案中也公开了先对晶片进行浸润的步骤，虽然浸润的液体有所不同，但是同样是为了减少气泡的影响，所以对比文件1公开的技术方案给出了解决技术问题的技术启示，在权利要求11引用的权利要求1不具备创造性的情况下，权利要求11同样不具备创造性，不符合专利法第22条第3款的规定。

基于上述情况，该申请以目前文本不能被授予专利权，申请人应针对权利要求书的意见进行修改或陈述意见，以克服上述缺陷，否则，该申请将被驳回。

审查员：吴晓达

代码：9531